

2012 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 SEP 21 AM 11 14

Contact Person: Paula D. Clowar Telephone Number: 760 268-8806

THOMAS J. PISCIOTTA
CLERK OF THE BOARD
OF SUPERVISORS

Name of Agency: Encina Wastewater Authority

Mailing Address 600 Avenida Encinas, Carlsbad, CA 92011

This agency has reviewed its conflict of interest code and has determined that:

☒ **Amendments are necessary:** (Attach Amended Code)
(Check all that applies)

☒ Include new positions (including consultants) which must be designated

☒ Revise the titles of existing positions

☒ Delete titles of positions that have been abolished

☐ Delete positions that manage public investments

☐ Revise disclosure categories

☐ Other _____

☐ **No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: Paula D. Clowar Date: 9/17/12

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2012 to:**

Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101

(Rev 7/02/2012)

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>12/4/12</u>	Minute Order No. <u>20</u>
By: <u>Nancy V. Ingram</u>	Date: <u>12/14/12</u>
Deputy Clerk of the Board Supervisors	

APPENDIX TO CONFLICT OF INTEREST CODE OF THE ENCINA WASTEWATER AUTHORITY

Preamble

Any person designated in Section I or II of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from the Authority's General Counsel. [Gov. Code 83114, 2 Cal. Code of Regs. 18730(b)(11).] A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. [Gov. Code 83114(a).]

If General Counsel renders an opinion stating in full the facts and the law upon which the opinion is based, compliance by the requesting party with such an opinion shall be evidence of good faith in any civil or criminal proceeding. Compliance with the opinion of General Counsel shall also act as a complete defense to any disciplinary action that the Authority may bring under Government Code section 91003.5.

Designated Employees

1. Designated employees listed in Column I must disclose sources of income, interests in real property, and all investments and business positions in business entities which manufacture, distribute, sell or supply the goods or services listed in Column II.

2. Reportable investments and business positions in any business entity, sources of income and interests in real property, are disclosable if held, regardless of any contractual relationship with the Authority at any time.

COLUMN I

COLUMN II

PUBLIC OFFICIAL'S FUNCTION OR TITLE

TYPE OF BUSINESS ENTITY, BUSINESS POSITION, INVESTMENT, SOURCE OF INCOME, OR REAL PROPERTY DISCLOSABLE

Members of the Board of Directors	1. Real property, including brokers.
General Manager	2. Real estate development.
Treasurer	3. Construction and building materials.
Assistant General Manager	4. Engineering, surveying, architectural, and appraising.

General Counsel	5. Soils testing, analysis, and compaction.
Department Directors	6. Pipes, valves, pumps, motors, meters or other wastewater treatment plant and sewer system materials, parts or equipment.
Administrative Services Manager	7. Wastewater treatment plant and sewer system chemicals and supplies.
Chief Plant Operator	8. Office equipment and supplies.
Engineering Services Manager	9. Computer hardware, software, and computer services.
Human Resources Manager	10. Wastewater treatment plant and sewer testing equipment, supplies and service.
Industrial Waste Control Inspector	11. Motor vehicles, construction equipment, parts and service.
Laboratory Manager	12. Equipment rental.
Maintenance Manager	13. Petroleum products.
Resource Recovery Manager	14. Safety equipment and supplies.
Safety and Training Manager	15. Newspapers, printing and reproduction services.
Source Control Manager	16. Banks and savings and loans.
Systems Manager	17. Title insurance and escrow.
Member Agency Managers	18. Financial audit services.
	19. Insurance, including brokers and agencies.
	20. Employment and manpower agencies.
	21. Business positions of director, officer, partner, trustee, employee or position of management which is held in business entity.

3. The officials listed below are also "designated employees" who are subject to the provisions of this Code. Each such designated employee is required to disclose interests only in those categories set forth above which are identified by the numbers listed opposite his or her title.

COLUMN I	COLUMN II
PUBLIC OFFICIAL'S FUNCTION OR TITLE	TYPE OF BUSINESS ENTITY, BUSINESS POSITION, INVESTMENT, SOURCE OF INCOME, OR REAL PROPERTY DISCLOSABLE
<u>EWA Staff:</u>	
Auditor	9, 16, 18, 21
Secretary	8, 15, 20, 21
<u>Consultants:</u>	
Appraisers	1, 2, 17, 21
Independent Financial Auditor	9, 16, 18, 21
Engineering Consultants	1, 2, 3, 4, 5, 6, 7, 9, 10, 21
Public Information Consultants	15, 21
Insurance Consultants	19, 21
Data Processing Consultants	8, 9, 21
Financial Management Extension of Staff	
Other Consultants, including Special Counsel ¹	

¹ With respect to Other Consultants, including but not limited to Special Counsel, the General Manager may determine in writing that a particular consultant or special counsel is hired to perform a range of duties that are limited in scope and thus is not required to comply with all the disclosure requirements described in these categories. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager shall forward a copy of this determination to the San Diego County Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.